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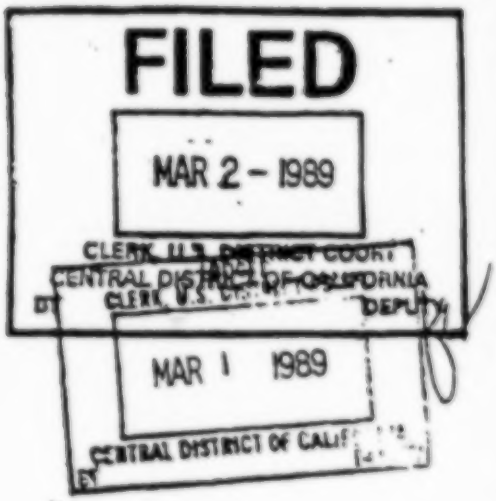

IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION; CAROLYN THOMPSON; GAYLE BERRY; FAMILY PLANNING ASSOCIATES MEDICAL GROUP; FEDERATION OF FEMINIST WOMEN'S HEALTH CENTER; PLANNED PARENTHOOD OF LOS ANGELES; PLANNED PARENTHOOD OF SAN DIEGO; HER MEDICAL CLINIC; PASADENA PLANNED PARENTHOOD COMMITTEE, INC.; CARING WOMAN; CLINICA MEDICA PARA LA MUJER; DR. LEON SCHIMMEL; CALIFORNIA NOW; WOMANCARE, INC.; PLANNED PARENTHOOD OF SANTA BARBARA, VENTURA AND SAN LUIS OBISPO COUNTIES; HEALTH CARE CENTER FOR WOMEN; PICO WOMEN'S MEDICAL GROUP; FAMILY PLANNING MEDICAL CLINIC; and PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES,

Plaintiffs,

vs.

OPERATION RESCUE; JEFF WHITE; JOSEPH FOREMAN; DR. RANDY ADLER; and JOHN AND JANE DOES 1 through 100, inclusive,

Defendants.

CASE NO. CV 89 1181 AWT (Bx)

[PROPOSED ORDER GRANTING PLAINTIFFS' EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER, AND/OR ORDER TO SHOW CAUSE RE: ISSUANCE OF PRELIMINARY INJUNCTION

After considering the complaint, plaintiffs' ex parte application for a temporary restraining order and/or an order to show cause re: issuance of preliminary injunction, the accompanying declarations, exhibits, memorandum of points and authorities, and the facts presented to the Court regarding defendants' policy and practice of prior restraint, the Court finds that there is substantial likelihood that plaintiffs will prevail on the merits of their claims that they have been unlawfully restrained in the exercise of their constitutional and statutory rights to travel, to obtain an abortion, to privacy, to be free from interference by force or intimidation with the exercise of the aforesaid rights, and to be free of such other tortious conduct as defendants have engaged in, and that failure to grant immediate relief will cause plaintiffs substantial irreparable injury. Accordingly,

IT IS SO ORDERED that pending hearing and determination of the Order to Show Cause re: issuance of a preliminary injunction, the above-named defendants and each of them and all persons acting in concert and participating with them shall be and are hereby restrained and enjoined from interfering with plaintiffs' rights to travel, to obtain an abortion and other medical services, to privacy, to be free from interference by force or intimidation with the exercise of the aforesaid rights, including by conduct constituting trespass, public nuisance, intentional infliction of emotional harm, and interference with prospective economic interests and shall:

1. immediately cease trespassing on, sitting in, blocking, impeding or obstructing ingress or egress from any facility at which abortions or other family planning or gynecological services

are provided in the State of California, including conducting "sidewalk counseling" of plaintiffs in a manner which physically impedes plaintiffs' movement, and demonstrating within fifteen (15) feet of any entrance or exit to the plaintiff facilities during any actions maintained by "Operation Rescue" or a similarly structured action;

2. physically abusing persons entering or leaving, working at or using any services at any facility at which abortions are performed in the State of California through the conclusion of blockade activities;

3. attempting or directing others to take any of the actions described in paragraphs 1 and 2 above;

4. providing nothing in the Court's Order should be construed to limit defendants' exercise of their First Amendment rights;

5. directing the defendant organizations and their officers and the defendant individuals and those working in concert with them, to inform all members of the organizations and conspiracy believed to be planning to participate in the activities enjoined in paragraphs 1 through 3 above of this Order.

IT IS FURTHER ORDERED that the above-named defendants appear in this courtroom located at 312 N. Spring Street, Los Angeles, California 90012 on 3/13, 1989 at 11:4. m. to show cause why they and each of them and all persons acting in concert and participating with them should not be enjoined from interfering with plaintiffs' exercise of their rights to travel, obtain an abortion and other medical services, privacy, freedom from interference by force or intimidation with the equal exercise

or enjoyment of all rights, privileges and immunities, be from such other tortious conduct as the defendants are alleged to have engaged in and should not be ordered to:

1. Immediately cease any and all interference with the exercise of fundamental constitutional and statutory rights by the plaintiffs, including the right to choose an abortion, as set forth in paragraphs 1 through 3 above.

DATED: 3/2/89

Terry J. Hatter Jr.
UNITED STATES DISTRICT JUDGE

Respectfully presented by:

ACLU FOUNDATION OF SOUTHERN CALIFORNIA
ACLU FOUNDATION OF SAN DIEGO AND IMPERIAL COUNTIES

By: Carol A. Sobel
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Attorneys for Plaintiffs

EXHIBIT C